

REMARKS

Claims 1 through 21 are pending in the application. Applicant thanks the Examiner for the very thorough consideration given the present application.

ELECTION OF SPECIES REQUIREMENTS

The Office has entered a first election of species requirement, stating that the present application contains claims directed to several patentably distinct species of the claimed invention. The Office, however, has only referred to the closure means that are listed in Claim 4. Applicant notes that numerous closure means are recited and described in the patent application and that the closure means identified in Claim 4 are a small sub-set of what is disclosed. Moreover, the closure means identified in Claim 4 are not the only types of closure means that are found in the claims. In this regard, Applicant notes that Claim 2 describes the closure means as including a resilient characteristic of at least one of the body and the lower flange and Claim 3 describes the closure means as including a fastener. Applicant notes that while there is overlap between the scope of Claims 2 and 4, Applicant notes that Claim 4 is not disposed entirely within the scope of Claim 2. Consequently, Claim 2 is not generic as the Examiner has acknowledged. Applicant therefore requests that the species of "closure means" not be limited to the sub-set of fasteners identified in Claim 4, but rather that Applicant be permitted to select a species from amongst all of the closure means that are identified in the claims.

Accordingly, Applicant elects to prosecute the species associated with Claim 2 (i.e., a closure means that includes a resilient characteristic of at least one of the body and the lower flange).

The Office has also entered a second election of species requirement, stating that

the present application contains claims directed to several patentably distinct species of the claimed invention: a slit generally parallel to a longitudinal axis of the mulch shield and a slit that is spirally shaped. Applicant elects to prosecute the species associated with Claim 18 (i.e., slit generally parallel to a longitudinal axis of the mulch shield).

Applicant notes that Claims 1, 7 through 17, 20 and 21 are generic and that Claim 2 reads on the elected species of the first election of species requirement and that Claim 18 reads on the second election of species requirement.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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